Examination showed that the capsules contained a soft, black, gummy mass, probably consisting of the contents of some capsules with adhering dirt. Small sticks of dirty wood and other debris were also present.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance.

DISPOSITION: August 23, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6597. Adulteration and misbranding of Vitamin Concentrates, Vitamin Concentrate Capsules, and Sun-Glow Cod Liver Oil Concentrate Tablets. U. S. v. Brewer & Co., Inc. Plea of guilty. Fine, $150. (F. D. C. No. 7306. Sample Nos. 51635-E, 75735-E, 75736-E.)

INFORMATION FILED: On October 8, 1942, in the District of Massachusetts, against Brewer & Co., Inc., Worcester, Mass.

ALLEGED SHIPMENT: From the State of Massachusetts into the State of Connecticut on or about November 7, 1940, and into the State of Maine on or about April 16 and July 15, 1941.

VIOLATIONS CHARGED: Adulteration of Vitamin Concentrates, Section 402 (b) (1), in that a valuable constituent, Vitamin D, had been in whole or in part omitted or abstracted therefrom. The article was alleged to be misbranded, Section 403 (a), in that the statement in its labeling, "Each Light Capsule contains * * * 1500 Vitamin D Units U. S. P.," was false and misleading since the article contained not more than 1,200 Vitamin D units U. S. P. per capsule; and in that the statements "Vitamin Concentrates * * * G(B/2) * * * Each Dark Capsule contains * * * G," were misleading since they suggested and created the impression in the mind of the reader that the article contained sufficient vitamin G (B_2) to contribute in an important respect to the daily requirement of the body for that vitamin, whereas the article contained an inconsequential amount of vitamin G.

Adulteration of the Vitamin Concentrate Capsules, Section 402 (b) (1), was alleged in that valuable constituents, vitamin D and vitamin B_1, had been in part omitted or abstracted therefrom. This article was alleged to be misbranded, Section 403 (a), in that the statements in its labeling, "Each capsule is equivalent * * * to * * * 3 teaspoonfuls of U. S. P. XI Cod Liver Oil assaying 85 U. S. P. XI units of Vitamin D per gram. * * * Each capsule contains not less than * * * Vitamin D 1,000 units U. S. P. XI. Vitamin B_1 50 International Units (approx. equivalent to 100 Sherman units)," were false and misleading since the article did not contain, in each capsule, vitamin D equivalent to the amount contained in 3 teaspoonfuls of U. S. P. XI cod liver oil assaying 85 U. S. P. XI units of vitamin D per gram, and it did not contain more than 700 U. S. P. XI Units of vitamin D per capsule, or more than 25 International Units of vitamin B_1 per capsule. It was alleged to be misbranded further, Section 403 (a), in that the statement in its labeling, "Containing Vitamins * * * G," was misleading, since it suggested and created in the mind of the reader the impression that the article contained vitamin G in an amount sufficient to contribute in an important respect to the daily requirement of the body for vitamin G, whereas the article contained an inconsequential amount of vitamin G.

Adulteration of the Cod Liver Oil Concentrate Tablets, Section 402 (b) (1), was alleged in that valuable constituents, vitamins A and D, had been in whole or in part omitted or abstracted therefrom. The article was alleged to be misbranded, Section 403 (a), in that the statements in its labeling, "Each tablet contains not less than 3140 U. S. P. XI units Vitamin A and 314 units of Vitamin D," and "these tablets are biologically standardized to contain not less than 3140 U. S. P. XI units Vitamin A and 314 U. S. P. XI units Vitamin D per tablet," were false and misleading since each tablet contained not more than 2,740 U. S. P. XI units of Vitamin A and not more than 235 U. S. P. XI units of Vitamin D, and the tablets had not been biologically standardized to contain the labeled amounts of vitamins A and D. It was alleged to be misbranded further, Section 403 (a), in that the statements in its labeling which represented and suggested that the article would be efficacious in the prevention and treatment of disease in man by increasing general resistance and toning the system, and that it would develop strong bones and good teeth, were false and misleading since the article would not be efficacious for such purposes.

The Cod Liver Oil Concentrate Tablets were also alleged to be adulterated and misbranded under the provisions of the law applicable to drugs as reported in notices of judgment on drugs and devices, No. 1013.

DISPOSITION: On October 5, 1943, the defendant having entered a plea of guilty, the court imposed a fine of $150.

6598. Misbranding of Vitaminerals VM No. 1. U. S. v. John Francis Gorman (Vitaminerals Company). Plea of nolo contendere. Fine, $1,000 on 2 counts, and probation for 1 year on 3 counts. (F. D. C. No. 8791. Sample No. 81451–E.)

INFORMATION FILED: On April 30, 1943, in the Southern District of California, against John Francis Gorman, trading as the Vitaminerals Co., Los Angeles, Calif.

ALLEGED SHIPMENT: On or about May 5, 1942, from the State of California into the State of Colorado of a quantity of the above-named product.

PRODUCT: Examination of Vitaminerals VM No. 1 disclosed that this article was in the form of orange-colored tablets, containing a large proportion of rhubarb root tissues, together with Irish moss tissues (Chondrus), okra tissues, cranberry fruit tissues, parsley leaf tissues, and acid-insoluble material.

VIOLATIONS CHARGED: Misbranding, Section 403 (a), in that the statements in its labeling which created in the mind of the reader the impression that the article was a supplement in the dietary treatment of constipation; that the ingredient rhubarb root was a food; and that the article derived its physiological activity principally from concentrates and extracts from common vegetables used for foor purposes and from vitamins, were misleading since the article was not a supplement in the dietary treatment of constipation but was a laxative drug; the ingredient rhubarb root is not a food but is a drug; and the article did not derive its physiological activity principally from concentrates and extracts from common vegetables used for food purposes and from vitamins, but derived its physiological activity principally from the plant drug rhubarb.

It was alleged to be misbranded further because of the false and misleading statements in its labeling which represented and suggested that the article would be efficacious as a dietary treatment of constipation; that it possessed anti-infective value; that it would be an efficacious tonic treatment for the smooth muscle; that it would facilitate the changing of the colonic flora so as to reduce the colonic bacilli count and the resulting inflammation of the colonic mucosa; that it would promote peristaltic activity, and act practically in the treatment of constipation; that it would produce normal elimination; and that it would be efficacious in the primary treatment of hemorrhoids, in the secondary treatment of arthritis due to excess calcium, and arthritis due to systemic origin, colds, neuralgia, neurosis, obesity, and tonsilitis.

The article was alleged to be misbranded further (1) in that the name "Vitaminerals" was misleading since it suggested and created the impression in the mind of the reader that the article derived its physiological activity solely from vitamins and minerals and contained no other physiologically active ingredients, whereas the article contained rhubarb root from which it derived its principal physiological activity; (2) in that the statement in its labeling, "We hereby guarantee that all Vitamineral products listed herein are not adulterated or misbranded within the meaning of the Federal, Food, Drug, and Cosmetic Act of June 25, 1938," was false and misleading since the article was misbranded within the meaning of such Act; and (3) in that is labeling was misleading since it failed to reveal the material fact that the principal physiological activity of the article was derived from the laxative drug, rhubarb root.

The article was alleged to be misbranded further in that the statements in its labeling, "Ash (Mineral matter*) 22.20%," and "Mineral Matter includes: Calcium 2.18% Phosphorus 0.82% Potassium 1.15% Sodium 0.67% Magnesium 0.34% Chlorine 0.03% Sulphur 0.51% Manganese 0.0023% Iron 0.115% Copper 0.0013% Iodine 0.0002%," were misleading since they suggested and created the impression in the mind of the reader that the article contained the minerals listed therein in amounts which, when taken in accordance with directions on the bottle label, "Two to four tablets, one or two before breakfast and upon retiring," would furnish the minerals in quantities sufficient to contribute in an important respect to the daily requirement of the body for those minerals, whereas the article contained inconsequential amounts of potassium, sodium, chlorine, magnesium, sulfur, manganese, and copper; and four tablets, the maximum amount recommended in the directions, would furnish less than one-thirtieth the minimum daily requirement of the body for phosphorus, less than one-tenth the minimum daily requirement for